UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

KAY CAMPBELL and JANIS HOLSTEIN, on behalf of themselves and others similarly situated)))
Plaintiffs,)
VS.) NO. 1:09-cv-01430-LJM-DML
ADVANTAGE SALES & MARKETING LLC,))
Defendant.)

ORDER ON DEFENDANT'S MOTION FOR RECONSIDERATION

This matter comes before the Court on defendant's, Advantage Sales and Marketing, LLC ("Defendant") Motion for Reconsideration (Dkt. No. 58). In this Court's October 28, 2010 Order (Dkt. No. 55), the Court concluded that the Fair Labor Standards Act collective action class requested by plaintiffs, Kay Campbell and Janis Holstein ("Plaintiffs"), could include both full-time and part-time Retail Sales Merchandisers. Defendant seeks clarification that the collective action class does not encompass claims for so-called "gap time," uncompensated time worked less than forty hours. The Court clarifies that, in accord with the claims of the named Plaintiffs, only potential plaintiffs bringing claims for unpaid overtime will be permitted to join the collective class as similarly situated plaintiffs.

IT IS SO ORDERED this 4th day of November 2010.

United/States District Court Southern District of Indiana